

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**BENNY OHAZURIKE, ET AL.**

**PLAINTIFFS**

**V.**

**CIVIL ACTION NO. 3:08cv22 DPJ-JCS**

**PARHAM POINTE SOUTH, LLC, ET AL.**

**DEFENDANTS**

**ORDER**

This negligence action is before the Court on [83] Plaintiffs’ motion to remand the action to state court. Defendants Parham Pointe North, LLC, Arlington Properties, Inc., Ballard Realty Company, Inc., Kenneth Wayne Rice, K. Wayne Rice & Associates, Inc., Christie Dillard, Dan Cunningham, Clark Whited, and Eddie Gillenwater removed this action from the Circuit Court of Hinds County, Mississippi on grounds that the Complaint contained federal claims. Plaintiff has since requested and been granted leave to amend the Complaint on two occasions. *See* Docket Nos. [23] and [78]. Under the current Complaint, Plaintiffs do not assert any claims arising under federal law, and the parties are not diverse.

Although no basis for federal jurisdiction remains, Defendants urge the Court to exercise supplemental jurisdiction over the Plaintiffs’ claims. “District courts enjoy wide discretion in determining whether to retain supplemental jurisdiction over a state claim once all federal claims are dismissed.” *Noble v. White*, 996 F. 2d 797, 799 (5th Cir. 1993); *see* 28 U.S.C. § 1367(c). In making a decision to exercise supplemental jurisdiction, the Court is guided by “principles of economy, convenience, fairness, and comity.” *Doddy v. Oxy U.S.A., Inc.*, 101 F.3d 448, 456 (5th Cir. 1996) (citing *Carnegie-Mellon University v. Cohill*, 484 U.S. 343, 357 (1988)). While the action has been pending since January 2008, the case was removed from the Court’s docket for a considerable period of time following the filing of a suggestion of bankruptcy. Furthermore, the

parties have not designated experts nor engaged in substantial discovery. Therefore, in the interests of economy, convenience, and fairness, the Court declines to exercise supplemental jurisdiction over Plaintiffs' claims.

The action is remanded to the Circuit Court of Hinds County, Mississippi, First Judicial District.

**SO ORDERED AND ADJUDGED** this the 29<sup>th</sup> day of June, 2009.

*s/ Daniel P. Jordan III*  
UNITED STATES DISTRICT JUDGE